

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

EPIC GAMES, INC. and EPIC GAMES  
INTERNATIONAL S.à.r.l.,

Plaintiffs,

v.

B.B.,

Defendant.

Civil Action No.: 5:17-cv-511-FL

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT**

Pursuant to Fed. R. Civ. P. 55(a), Plaintiffs Epic Games, Inc. and Epic Games International S.à.r.l. (together, "Epic" or "Plaintiffs") move for entry of default against B.B. ("Defendant" or "B.B.") and request that the Clerk enter a default against Defendant as required. In support of this Motion, Plaintiffs state as follows:

1. Epic filed the above-captioned case on October 10, 2017 in this Court seeking injunctive relief and damages against the Defendant for (i) copyright infringement in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501, *et seq.*; (ii) contributory copyright infringement in violation of the Copyright Act, §§ 106 and 501, *et seq.*; (iii) circumvention of technological measures in violation of the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. §§ 1201(a)-(b), 1203; (iv) breach of contract in violation of North Carolina law; and (v) intentional interference with contractual relations in violation of North Carolina law. (Comp. [DE 1] at ¶ 1.)

2. As described in Epic's Status Report Regarding Service of Process and Epic's Declaration of Service, which Epic incorporates by reference as if fully set forth herein, Epic encountered certain obstacles in its diligent, good faith attempts to effect service of process on

the Defendant, but was eventually able to properly effect service on Defendant on January 25, 2018. (Status Report [DE 7] at ¶¶ 1-9; Decl. of Serv. [DE 8-9] at ¶¶ 2-5.)

3. Fed. R. Civ. P. 12(a)(1)(A)(i) provides that a defendant shall serve an answer “within 21 days after being served with the summons and complaint.” *Id.* Under this rule, the deadline for Defendant to serve its responsive pleading was due February 15, 2018 and has passed without any such pleading having been either filed or served. Accordingly, Defendant is in default, and default is required to be entered against Defendant pursuant to Fed. R. Civ. P. 55(a).

This the 6th day of March, 2018.

**PARKER POE ADAMS & BERNSTEIN LLP**

/s/Christopher M. Thomas

Christopher M. Thomas

N.C. Bar No. 31834

christhomas@parkerpoe.com

PNC Plaza

301 Fayetteville Street, Suite 1400 (27601)

P.O. Box 389

Raleigh, North Carolina 27602-0389

Telephone: (919) 835-4626

Facsimile: (919) 834-4564

*Attorney for Plaintiffs Epic Games, Inc. and Epic Games International S.à.r.l.*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT** was electronically filed this day with the Clerk of Court and is available to B.B. c/o Christine Broom via PACER. Copies will be served on both B.B. and Christine Broom as soon as we are able to properly serve them, at which point undersigned counsel will file an amended certificate of service.

This the 6th day of March, 2018.

**PARKER POE ADAMS & BERNSTEIN LLP**

/s/Christopher M. Thomas

Christopher M. Thomas

N.C. Bar No. 31834

christhomas@parkerpoe.com

PNC Plaza

301 Fayetteville Street, Suite 1400 (27601)

P.O. Box 389

Raleigh, North Carolina 27602-0389

Telephone: (919) 835-4626

Facsimile: (919) 834-4564

*Attorney for Plaintiffs Epic Games, Inc. and Epic Games International S.à.r.l.*